STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: RHODE ISLAND

TRANSFER OF RESOURCES

[illegible] and [illegible] Agency may be [illegible] for nursing facility services and services equivalent to nursing facility services as set forth in section [illegible] of the Act.

Exceptions to Period of Ineligibility

An individual will not be ineligible for nursing facility payments if:

A. The transferred resource was his/her home and title to the home was transferred to:

1. the individual's spouse;
2. a child of the individual under the age of 21, or blind, or permanently and totally disabled (as evidenced by receipt of SSI or RSDI benefits, or as defined in Sec. 301.1 of the policy manual);
3. a sibling of the individual who has an equity interest in the home and who resided in the home for at least one year immediately prior to the institutionalization of the individual;
4. a son or daughter of the individual who:
   a. was residing in the home for at least two years prior to the parent's institutionalization, and
   b. can demonstrate that she/he provided care to the parent which prevented the parent from entering an institution for the two year period.

B. The transferred resource (other than a home, see above) was any resource transferred to:

1. the community spouse, or to another for the sole benefit of the community spouse;
2. a child of the individual under the age of 21, or blind, or permanently and totally disabled, or to another for the sole benefit of such child;
3. the spouse, or to another for the sole benefit of the spouse, provided the resource(s) is/are not subsequently transferred to anyone other than the spouse.

C. The individual can prove his/her intention was to receive fair market value or other valuable compensation/consideration;

D. The individual can prove the transfer was exclusively for some other purpose than to qualify for Medical Assistance;

E. Denial of nursing facility payment would work an undue hardship;

F. The resource is returned to the individual.